

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

LYNNCORE MEDGROUP, INC.

v.

KATHLEEN SEBELIUS, Secretary,
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
in her official capacity

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Case No. 4:11-cv-195
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 10, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction Under Rule 12(b)(1) and for Failure to State a Claim Under Rule 12(b)(6) (Dkt. #8) be granted.

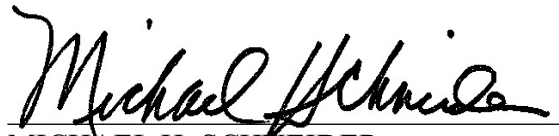
The Court, having made a *de novo* review of Plaintiff's objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction Under Rule 12(b)(1) and for Failure to State a Claim Under Rule 12(b)(6) (Dkt. #8) is

GRANTED and Plaintiff's claims are dismissed.

It is SO ORDERED.

SIGNED this 7th day of December, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE